Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

CRAIG CUNNINGHAM, Plaintiff, v. GENERAL DYNAMICS INFORMATION TECHNOLOGY, INC., Defendant.	Civil Action No. 1:16-cv-545 (LO/TCB)

DECLARATION OF BROOKS BARTENHAGEN

I, Brooks Bartenhagen, declare, pursuant to 28 U.S.C. § 1746, the following to be

a true and correct statement of facts:

1.   I am a Program Manager with General Dynamics Information Technology

("GDIT"). I have been employed with GDIT since 1997, and since 2013, I have served

as the Outbound Manager on GDIT's Contract No. HHSM-500-2013-00103C

("Contract") with the U.S. Department of Health and Human Services, Centers for

Medicare & Medicaid Services ("CMS").

2.   I am over the age of eighteen and a citizen of the United States. I have

personal knowledge of the matters stated herein, and I have read the Complaint filed by

Craig Cunningham in this matter.

I.   THE CONTRACT AND DIRECTION FROM CMS

3.   On April 15, 2013, CMS awarded Contract No. HHSM-500-2013-00103C

("Contract") to Vangent, Inc., which subsequently merged into GDIT, for contact center

operations support regarding CMS programs, including 1-800 MEDICARE and the

Government's HealthCare.gov website.   Vangent, Inc., GDIT, and CMS executed a novation agreement pursuant to 48 C.F.R. § 42.1204 effective January 1, 2014 to reflect GDIT as the successor-in-interest to the Contract.

4.   The Contract required GDIT to place outbound calls at the direction of CMS to transmit CMS-created public service messages intended to enhance public awareness of issues that could impact healthcare coverage under the Affordable Care Act ("ACA").

5.   CMS provides each telephone phone number for GDIT to call, and CMS directs the date and time that GDIT is to call each telephone number.

6.   According to the Contract's Statement of Work GDIT was required to have autodialing technology. GDIT employs this capability by uploading each telephone number to a cloud-based portal operated by GDIT's vendor, interCloud9.

7.   CMS also directs the contents of each call, providing a script containing a public service message about the ACA.

8.   CMS does not contract with (or otherwise require) GDIT to obtain consent from the applicant, and by virtue of instructions from CMS to place a call to a telephone number, GDIT has no pre-call contact with the applicant to obtain consent before a call.

II.   CMS DIRECTION TO GDIT REGARDING CRAIG CUNNINGHAM

9.   On November 6, 2015, CMS provided GDIT with a script of a public service announcement to be delivered. The script is the same—aside from Mr. Cunningham's apparent transcription errors—as the message Mr. Cunningham alleges he received in Paragraph 15 of the Complaint.

10.   CMS' public service message emphasized the affordability of health care coverage. By conveying the message, GDIT did not advertise or telemarket health

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insurance or any other product or otherwise sell commercial products. Mr. Cunningham does not allege that GDIT sells health insurance or healthcare plans, and GDIT does not do so.

11. On November 25, 2015, CMS sent an email to GDIT that attached a schedule identifying the script to be used for the outbound autodialing on December 2, 2015.

12. On December 1, 2015, CMS directed GDIT to download the information for the December 2 autodial, including the phone number for Mr. Cunningham. The CMS email also directed GDIT to execute the autodialed call at a specific time. GDIT understands that CMS obtained Mr. Cunningham's telephone number from his application on the HealthCare.gov website. GDIT downloaded the file as directed that day.

13. The downloaded file, which was titled "robocall_20151130_Wednesday_List_2_Script_E_New_Enrollee_General_SEGMENT _1.txt," contained the telephone number identified in Paragraph 15 of the Complaint. This telephone number was submitted to the HealthCare.gov website by "Greg Cunningham."

14. The file identified in the prior Paragraph included two columns:

(a) A column labeled "phone" listed the number to be called.

(b) A column labeled "primary_language_spanish" designated whether the script for a particular telephone number should be in English (signified by "0" in the column) or Spanish (signified by "1" in the column).

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(c)   The file included no other information, such as the name of individual associated with the telephone number or whether or how that individual had provided consent to be called.

15.   By December 2, GDIT uploaded the file (re-labeled "151130_List 2 E_Call_List") to the interCloud9 cloud-based autodialing portal. GDIT also uploaded the English and Spanish versions of the script CMS had provided.

16.   The call to Mr. Cunningham on the telephone number identified in "151130_List 2 E_Call_List" was programmed for 11:00 AM on December 2, 2015, with the exact script, just as CMS had directed.

17.   The interCloud9 software then placed the call at issue to the telephone number identified in Paragraph 15 of the Complaint on December 2, 2015. The exact script provided by CMS was read during the call.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 7, 2016.

Name: Brooks Bartenhagen

Title: Program Manager, GDIT